

Tisa, Kimberly

From: Battaglia, Frank
Sent: Tuesday, June 19, 2018 9:49 AM
To: Tisa, Kimberly
Cc: Battaglia, Frank
Subject: FW: BASF Residential/Recreational/Industrial use issue

FYI.

From: Battaglia, Frank
Sent: Tuesday, June 12, 2018 5:36 PM
To: 'Joseph F Guarnaccia' <joseph.guarnaccia@basf.com>
Subject: RE: basf draft

Joe,

They are 2 separate issues. We are cleaning up to a **residential standard** which in RI is necessary to allow for potential **recreational use** (walking trails, dog park, etc.) although residential zoning is not necessary for this use. The **industrial zoning** is to be maintained so that no **residential use** (homes, apartment buildings, etc.) is allowed primarily because there are still contaminants on-site but they are capped. Building homes, etc. on top of the cap would most likely breach the cap and thus are not allowed and will be restricted by the industrial zoning as well as the ELUR. I hope this helps.

Here is the applicable RI Remediation Regulation...

3.39 Industrial/Commercial Activity shall mean any activity related to the commercial production, distribution, manufacture or sale of goods or services, or any other activity which is not a traditional Residential Activity as defined by this Section including activities related to outdoor recreational areas with restrictions in place to limit potential exposure.

Frank

From: Joseph F Guarnaccia [<mailto:joseph.guarnaccia@basf.com>]
Sent: Tuesday, June 12, 2018 5:09 PM
To: Battaglia, Frank <battaglia.frank@epa.gov>
Subject: FW: basf draft
Importance: High

Frank

The attorney did find one inconsistency, I think. It is on reuse: maintain industrial zoning but may allow for recreational use, which is a residential reuse.

I suppose one can have recreational reuse on an industrially zoned lot (not the opposite)

Joe.
EHS Remediation Specialist

Phone: 973 245 5269 Mobile: 732 762 4743 E-Mail: joseph.guarnaccia@basf.com
Postal Address: BASF Corporation, 100 Park Ave, Florham Park, N.J. 07932 USA



SEMS DocID 643695

From: Linda Mirsky Brenneman
Sent: Tuesday, June 12, 2018 5:00 PM
To: Joseph F Guarnaccia <joseph.guarnaccia@basf.com>; David P Johnson <david.p.johnson@basf.com>
Subject: RE: basf draft
Importance: High

Joe:

Re: the approval letter. Can you reconcile these two statements for me that are in the letter. If we are proposing a remedy to allow for the future use of the site as recreational and recreational is considered residential then how can the deed notice be to establish use restrictions to maintain industrial zoning? Perhaps I'm missing something.

L.

BASF has proposed a PCB risk-based disposal plan under 40 CFR § 761.61(c) to support potential future reuse of the property for recreational use, open space and parking. The proposed plan includes the following activities:

Record a deed notice and/or environmental land use restriction ("ELUR") to establish use restrictions to maintain industrial zoning, to prohibit disturbances of the clean caps, to provide for long-term operation and maintenance of the caps, and to detail any future soil handling practices and requirements at the Site.

Linda Mirsky Brenneman
Associate General Counsel, Environmental

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From: Joseph F Guarnaccia
Sent: Tuesday, June 12, 2018 3:21 PM
To: Linda Mirsky Brenneman <linda.brenneman@basf.com>; David P Johnson <david.p.johnson@basf.com>
Subject: RE: basf draft

Hyphen removed. Thanks.

Not sure you have the time, but also attached is the EPA approval letter. Both AEI and I reviewed it and find it to be accurate and complete, at least technically. If we get it back to EPA today (soon), Frank will send it up the line for issuance this week, else, next week. Best to get it done sooner than later. Please advise.

Joe.
EHS Remediation Specialist

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Postal Address: BASF Corporation, 100 Park Ave, Florham Park, N.J. 07932 USA

From: Linda Mirsky Brenneman
Sent: Tuesday, June 12, 2018 2:09 PM
To: Joseph F Guarnaccia <joseph.guarnaccia@basf.com>; David P Johnson <david.p.johnson@basf.com>
Subject: RE: basf draft

One additional edit. See attached.

Thanks.

L.

Linda Mirsky Brenneman

Associate General Counsel, Environmental

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From: Joseph F Guarnaccia

Sent: Tuesday, June 12, 2018 1:15 PM

To: Linda Mirsky Brenneman <linda.brenneman@basf.com>; David P Johnson <david.p.johnson@basf.com>

Subject: RE: basf draft

I incorporated your comments. Attached is a clean version and a RLSO of the changes relative to your comments and edits.

I am going to hand-deliver the letters, so addresses are not needed.

Joe.

EHS Remediation Specialist

Phone: 973 245 5269 Mobile: 732 762 4743 E-Mail: joseph.guarnaccia@basf.com

Postal Address: BASF Corporation, 100 Park Ave, Florham Park, N.J. 07932 USA

From: Linda Mirsky Brenneman

Sent: Tuesday, June 12, 2018 12:00 PM

To: Joseph F Guarnaccia <joseph.guarnaccia@basf.com>; David P Johnson <david.p.johnson@basf.com>

Subject: RE: basf draft

My comments on the fact sheet. The cover letter is ok. Did you confirm the addresses are up to date?

Linda Mirsky Brenneman

Associate General Counsel, Environmental

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From: Joseph F Guarnaccia

Sent: Tuesday, June 12, 2018 11:33 AM

To: David P Johnson <david.p.johnson@basf.com>

Cc: Linda Mirsky Brenneman <linda.brenneman@basf.com>

Subject: RE: basf draft

Dave

We have the Park View Middle School for the 27th, 6:30 to 8:30. They will provide tables and chairs.

I will be in Cranston Thursday and Friday, and I'd like to distribute the neighborhood letters (draft letter attached).

Also attached is a map of letter distribution (green shaded area), basically those properties that may be affected by what traffic we generate.

Please give me some indication whether I should go ahead and distribute the letters because if so I need to have them printed.

Joe.
EHS Remediation Specialist

Phone: 973 245 5269 Mobile: 732 762 4743 E-Mail: joseph.guarnaccia@basf.com
Postal Address: BASF Corporation, 100 Park Ave, Florham Park, N.J. 07932 USA

From: Joseph F Guarnaccia
Sent: Monday, June 11, 2018 4:42 PM
To: Linda Mirsky Brenneman <linda.brenneman@basf.com>; Brian W Diepeveen <brian.diepeveen@basf.com>;
David P Johnson (david.p.johnson@basf.com) <david.p.johnson@basf.com>
Subject: RE: basf draft

Please find attached a draft introductory letter and information sheet I intend to send to the following:

1. Mill St residences (I intend to put letters in the mailboxes).
2. Email list from past communications
3. Mayor
4. Stycos (he is running for office, so he is not a lame duck). He has his own list of residences who have expressed interest in the project. Unfortunately he cannot make the meeting. He asked whether I could change the date and I said I could not.

I am also planning on having the information sheet at the meeting. The meeting will be informal Q&A with posters to speak to/from.

Please review and comment on these documents as soon as you can, because I have to get the letter out. I could do it on Friday, as I will be in Cranston.

I am contacting the school tomorrow to secure the venue. There are 2 other alternatives, Praise Tabernacle Church and William Hall Library. I'll let you know where ASAP.

Thanks

Joe
EHS Remediation Specialist

Phone: 973 245 5269 Mobile: 732 762 4743 E-Mail: joseph.guarnaccia@basf.com
Postal Address: BASF Corporation, 100 Park Ave, Florham Park, N.J. 07932 USA

From: Linda Mirsky Brenneman
Sent: Monday, June 11, 2018 12:19 PM
To: Brian W Diepeveen <brian.diepeveen@basf.com>; Joseph F Guarnaccia <joseph.guarnaccia@basf.com>
Subject: RE: basf draft

Per my discussion with David Johnson, I don't believe we are doing handouts; also we should have an internal meeting beforehand to go over the talking points. Please schedule. Note I'll be traveling for work the week of the 25th so it has to be next week. I'm not sure I understand the comment about real estate, do we not have a consensus moving forward?

L.

Sent from my Windows Phone

From: Brian W Diepeveen
Sent: 6/8/2018 2:41 PM
To: [Joseph F Guarnaccia](mailto:joseph.guarnaccia@basf.com); [Linda Mirsky Brenneman](mailto:linda.brenneman@basf.com)
Subject: RE: basf draft

Joe and Linda-

We have all been to these types of meetings and 9 out of 10 times the public is more concerned with what we will do with the property than they are with the actual remediation.

So, I think we must be prepared to give them information which is consistent with the parameters tied to the EPA approval (i.e. open space, recreational, parking...)

Maybe a call with communications, RE, legal and EHS is in order to finalize and get on same page. ?

Regards

BRIAN DIEPEVEEN
Remediation Director

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Postal Address: BASF Corporation, , 100 Park Avenue, 07932 Florham Park, NJ, United States



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From: Joseph F Guarnaccia

Sent: Friday, June 8, 2018 2:36 PM

To: Brian W Diepeveen <brian.diepeveen@basf.com>; Linda Mirsky Brenneman <linda.brenneman@basf.com>

Subject: RE: basf draft

Non-residential does not work, because public use of open space is a residential reuse in RI. The ELUR will be more specific, e.g., No residential use allowed except as may be approved by the Department as a Recreational Facility for Public Use under the RIDEM remedial regulations. The property is zoned industrial, so listing industrial reuse is appropriate. Any reuse cannot result in cap penetration, and as such, all that is left is open space, w/ or/ w/o access, and parking.

My concern is with real estate. They have been systematically backsliding to unrestricted industrial use. The remedy, by leaving material under a cap, precludes all industrial uses but parking. I will draft a LER that says as much. I have presented cost savings in the past and the numbers range between \$6MM and \$25MM (full monte). In addition, we decided a long time ago that the 200' river setback precluded meaningful industrial activity, so I am not sure what RE is thinking.

I am working w/ Dave Johnson on setting up a public availability session for the express purpose to provide interested residents with information related to the implementation of the project: what to expect. This fact we have discussed in the past. It is not required, but provided as a courtesy. The format will be informal, with posters and subject experts available to answer questions. Attached is a draft information sheet that is intended to be a handout. Comments welcome.

On getting the word out, the plan is:

1. Letter in mailbox at homes along Mill St. I'll draft the letter and include the handout.
2. Email to those who were at the SOB public meeting.
3. Message to Stycos
4. Message to Pawtuxet River Authority
5. Message to Mayor.
6. Other

Joe.

EHS Remediation Specialist

Phone: 973 245 5269 Mobile: 732 762 4743 E-Mail: joseph.guarnaccia@basf.com
Postal Address: BASF Corporation, 100 Park Ave, Florham Park, N.J. 07932 USA

From: Brian W Diepeveen

Sent: Friday, June 8, 2018 1:17 PM

To: Joseph F Guarnaccia <joseph.guarnaccia@basf.com>; Linda Mirsky Brenneman <linda.brenneman@basf.com>

Subject: RE: basf draft

Joe, good result here.

I think that we should modify the language about future use to be generic as possible (will non-residential work or is the EPA expectation recreational and if we changed this would it change the approval?).

Also, my position on industrial reuse, or any reuse that will increase remediation costs is that if it increases the risk of escalating the remediation costs and exposing risks we have to ask how much more \$\$\$ will we receive for that type of redeployment versus the increased costs and having to go back to EPA.

We have EPA approval so I vote not to make any changes that have them thinking twice about this.

Regards

BRIAN DIEPEVEEN

Remediation Director

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We create chemistry

From: Joseph F Guarnaccia

Sent: Friday, June 8, 2018 12:53 PM

To: Linda Mirsky Brenneman <linda.brenneman@basf.com>; Brian W Diepeveen <brian.diepeveen@basf.com>

Subject: FW: basf draft

Linda and Brian,

Attached is the draft EPA approval letter for Cranston. I added a comment on reuse. I have yet to write an LER, but the reuse constraints are consistent with what will be in my LER. Let me know if you have any questions that either I can answer or pass along to EPA.

Joe.

EHS Remediation Specialist

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From: Battaglia, Frank [<mailto:battaglia.frank@epa.gov>]

Sent: Thursday, June 7, 2018 3:22 PM

To: Joseph F Guarnaccia <joseph.guarnaccia@basf.com>
Cc: Battaglia, Frank <battaglia.frank@epa.gov>; Tisa, Kimberly <Tisa.Kimberly@epa.gov>
Subject: FW: basf draft

Joe, here is the final draft of the approval letter. Kim and I wanted to give you a chance to take a look at it before it was signed. Let me know if you have any questions.

Also, we need to talk about the informational session format. Steve Stycos believes we should have a presentation format rather than just a walk through session. I am OK either way.

Kim and I will be out of the office tomorrow but we will be checking e-mails and messages and if there are no problems with the approval we hope it will get signed early next week. Thanks.

Frank Battaglia
617 918-1362

From: Tisa, Kimberly
Sent: Thursday, June 07, 2018 2:05 PM
To: Battaglia, Frank <battaglia.frank@epa.gov>
Subject: basf draft

Here's the draft. Make sure everything's here before you send.

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